



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THIRD CHURCH OF CHRIST, SCIENTIST,
OF NEW YORK CITY,

Plaintiff,

-against-

07 Civ. 10962 (DAB)
ORDER

CITY OF NEW YORK, and PATRICIA LANCASTER,
in her official capacity as Commissioner

Defendants.

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DEBORAH A. BATTS, United States District Judge.

The Court is in receipt of the most recent correspondence of the Plaintiff and non-Parties The Metropolitan Club, Riverside Church, and St. Ignatius Loyola in response to the Court's Order at the hearing held on July 10, 2008 that the non-Parties submit affidavits on the "grandfathering" issue.

Having reviewed the respective Motions to Compel and Motions to Quash as well as the supplemental affidavits submitted by the non-Parties, and having heard from the Parties at the July 10, 2008 hearing, the Court finds that compliance with the Plaintiff's extensive discovery requests would be an undue burden on each of the non-Parties within the meaning of Fed. R. Civ. P. 45(c)(3)(A)(iv).

The Court hereby modifies the subpoena as follows:

Within 30 days of the date of this Order the Metropolitan Club, Riverside Church, St. Ignatius Loyola, and the Fourth Universalist Society are hereby ORDERED to produce all documents concerning any social event conducted on or in the premises during the month of

December 2007 including a) the advertising and booking b) the attendance at c) the revenues generated by, and d) any communication about such events held. In addition, The Metropolitan Club, Riverside Church, St. Ignatius Loyola, and the Fourth Universalist Society are hereby ORDERED to produce all documents from the month of December 2007 relating to any independent person or entity that performed catering-related services with which the institution has a contractual relationship, including: a) the terms and scope of that contractual relationship (whether it is oral or reduced to writing); b) rent or use payments made by, or other financial arrangements with the caterer.

If an argument can be made from the documents that it is clear that any person can pay to hold a catered event on the premises of The Metropolitan Club, Riverside Church, St. Ignatius Loyola, or the Fourth Universalist Society then Plaintiffs can renew their application as to that institution to ask for additional discovery.

SO ORDERED.

Dated: New York, New York

July 31, 2008

Deborah A. Batts
Deborah A. Batts
United States District Judge